

EXHIBIT 1



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VIA CERTIFIED MAIL AND
VIA EMAIL
(tkirk@co.henry.ga.us)

Toussaint Kirk
Henry County Planning and Zoning
140 Henry Parkway
McDonough, GA 30253

Re: 2787 East Atlanta Road, Ellenwood, Georgia 30011 (the "Property")

Dear Mr. Kirk:

This firm represents South Battery Capital, LLC with respect to the above-referenced Property. I understand that planner Kamau As-Salaam spoke with my client's prospective purchaser, Mr. Argoves, and represented that the Property was no longer zoned for a self-storage facility based on Henry County (the "County") Ordinance No. 22-04, ULDC-AM-22-05. On July 20, 2022, Mr. As-Salaam repeated this representation to my client via email, specifically stating:

On June 7th 2022 at 6:30 pm, the county held its regularly scheduled BOC meeting, where a public hearing for ULDC-AM-22-05, was heard and voted on by the Board of Commissioners. During that meeting the Board of Commissioners voted to include Self Storage Facilities within the prohibited uses section of the Highway Corridor Overlay District during this hearing. Please see the attached documents regarding the HCOD and the recent ULDC-AM-22-05 amendment.

Mr. As-Salaam was incorrect. Self-storage is most certainly a permissible use on the Property, notwithstanding its placement within the Highway Corridor Overlay District (the "Overlay District").

The Property is zoned C-3: Highway Commercial District. Under Ordinance No. 22-04 and Code Section 4.03.23 self-storage facilities are expressly permitted in properties zoned C-3. Based on a review of prior amendments to Code Section 4.03.23, this has been the case since prior to 2017.

With the creation of the Overlay District in 2017 through Ordinance No. 17-04, the County prohibited all self-storage within the Overlay District. However, in Ordinance No. 18-06, the County amended the code to provide that the prohibited uses at Code Section 4.05.06(B) would include: "Self-storage (except indoor storage designed

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to mirror class "A "commercial office space), mini-warehouses, or warehousing and storage distribution *not currently zoned for these uses* (M-1 or M-2), as of adoption of this ordinance section.

Clearly, the County elected to allow self-storage within the Overlay District in those properties then-zoned for self-storage, including properties zoned C-3. Furthermore, contrary to Mr. As-Salaam's representations, Ordinance No. 22-04 did not add self-storage facilities to the prohibited uses of Overlay District.

Rather, Ordinance No. 22-04 amends Code Section 4.03.23 to prohibit outdoor self-storage, and all self-storage in the IAC zoning district. However, it continues to allow self-storage in the C-3, M-1, and M-2 districts. The *only* change Ordinance No. 22-04 makes to the prohibited uses subsection addressing self-storage is to remove the parenthetical "except indoor storage designed to mirror class 'A' commercial office space."

Given that self-storage was permitted for C-3 at the time Ordinance No. 18-06 was passed, and self-storage continued to be permitted for C-3 at the time Ordinance No. 22-04 was passed, self-storage should be permissible at the Property.

Accordingly, my client demands the County reconsider Mr. As-Salaam's position regarding the permissibility of a self-storage facility at the Property. Should the County fail to do so, we will seek damages, as well as attorneys' fees and costs of litigation, as the County's actions have tortiously interfered with my client's contract with its prospective buyer. Furthermore, the County's actions would constitute an unreasonable hardship upon my client, without advancing the public health, safety and welfare and would constitute an arbitrary and capricious act without any rational basis therefor, constituting an abuse of discretion in violation of the Georgia and United States constitutions.

We look forward to hearing from you.

Sincerely,

BLOOM PARHAM, LLP

SHB WSB

Simon H. Bloom